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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DUONG, DUC T

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/976,522	<b>Applicant(s)</b> PARRUCK ET AL.	
	<b>Examiner</b> Duc T. Duong	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6-9 and 45-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-3 and 6-8 is/are allowed.
- 6) ☒ Claim(s) 9 and 45-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/13/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 7-10, filed February 6, 2003, with respect to the rejection(s) of claim(s) 1-3, 7, 9, 45, 47, 49, and 51-53 under 35 U.S.C 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made via Carr et al (US Patent 6,963,572 B1).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 9, 45, 47-49, and 51-53 are rejected under 35 U.S.C. 102(e) as being anticipated Carr et al (US Patent 6,963,572 B1).

Regarding to claim 9, Carr discloses an integrated circuit 200 (fig. 1) comprising a first bus interface 250/260 (col. 3 lines 33-42; noted the input 250 receiving SONET format and input 260 receiving ATM format can be arranged as one input connection); means for generating a segmentation trailer 220 (col. 5 lines 66-67 and col. 6 lines 1-13); means for checking a segmentation trailer 290 (col. 9 lines 34-50); a second bus interface 312 (col. 7 lines 2-4); and a data path (implicitly shown) extending from the first bus interface to the means for generating, and from the means for generating to the means for checking, and from the means for checking to the second bus interface, wherein both cell-protocol traffic and packet-protocol traffic pass over the data path from the first bus interface, through the means for generating, through the means for checking, and out of the integrated circuit from the second bus interface (col. 3 lines 14-20).

Regarding to claims 45, 49, and 53, Carr discloses an integrated circuit 200 (fig. 1), comprising a first bus interface 250/260 (col. 3 lines 33-42; noted the input 250 receiving SONET format and input 260 receiving ATM format can be arranged as one input connection); a second bus interface 312 (col. 7 lines 2-4) adapted for coupling to a switch fabric 270 (col. 3 lines 14-20), and means for receiving network information from the first bus interface 250/260, a first portion of the network information being received in a cell-protocol, a second portion of the network information being received in a packet-protocol (col. 3 lines 33-42), the means also being for passing the network information through a single data path (implicitly shown) from the first bus interface 250/260 and to a payload memory 240 (col. 4 lines 3-21) and then through the single

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data path from the payload memory 240 and to the second bus interface 312 (col. 7 lines 2-4).

Regarding to claims 47 and 51, Carr discloses the means includes a segmentation engine 220, the segmentation engine 220 being controlled to process the first portion of network information in a first way (fig. 2 col. 7 lines 14-31) and to process the second portion of network information in a second way (fig. 3 col. 8 lines 25-34).

Regarding to claims 48 and 52, Carr discloses the means includes a reassembly engine 290, the reassembly engine 290 being controlled to process the first portion of network information in a first way and to process the second portion of network information in a second way (fig. 1 col. 6 lines 57-65).

#### ***Claim Rejections - 35 USC § 103***

4. Claims 46 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr.

Regarding to claims 46 and 50, Carr discloses all the limitations with respect to claims 45 and 49, except for wherein the payload memory is a memory external to the integrated circuit. However, to arrange the payload memory to be external of the integrated circuit would have been obvious to a person of ordinary skill in the art since such arrangement would reduced the occupies space in the integrated circuit. Furthermore, all the essential elements and operation of the claim, except for the integration of parts, are found in the reference. Thus, it appears the unity or diversity of parts would depend more upon the choice of the manufacture, and convenience and availability of the machines and tools necessary to construct the user's device, than on

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any inventive concept. See *In re Larson*, 144 USPQ 347 (CCPA 1965), and *In re Lockhart*, 90 USPQ 214 (CCPA 1951).

***Allowable Subject Matter***

5. Claims 1-3 and 6-8 are allowed.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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